

Absent—Excused

Gonzalez

Welcome Resolutions

S. R. No. 534—By Senator Colson: Extending welcome to students, teachers and sponsors of Riverside Elementary School of Walker County.

S. R. No. 536—By Senator Secrest: Extending welcome and privileges of floor to Mr. Samuel R. Greenwood of Temple.

S. R. No. 537—By Senator Gonzalez: Extending welcome to Mrs. Maria Parr et al.

S. R. No. 539—By Senator Herring: Extending welcome to students and teacher of Lamar Junior High School of Austin.

S. R. No. 540—By Senator Moore: Extending welcome to students of Cooks Point School of Burleson County.

Adjournment

On motion of Senator Hardeman the Senate at 4:46 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

SEVENTY-FOURTH DAY

(Saturday, May 27, 1961)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Our Father in Heaven, we bring before Thee these Senators, together with these secretaries, officers, and pages, praying Thy best blessings on their labors; their homes; and their businesses. Forgive our failures; and may the love of God, the communion and fellowship of His Holy Spirit keep us now and forever more, through Jesus Christ our Lord. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal approved.

Bills and Resolution Signed

The President signed in the presence of the Senate after the captions had been read the following enrolled bills and resolution:

H. B. No. 249, A bill to be entitled "An Act amending Section 9 of Article 8306, the employers' liability and workmen's compensation insurance laws of this State, by providing that the liability of the association for funeral benefits shall not exceed Five Hundred Dollars (\$500); providing a savings clause; and declaring an emergency."

H. B. No. 502, A bill to be entitled "An Act to amend Article 6889d of Vernon's Annotated Civil Statutes, Acts 1953, Fifty-third Legislature, Page 56, Chapter 45, so as to compensate constables and deputy constables for transportation or furnish adequate transportation within the State; providing for sworn statements covering such transportation; providing that this Act shall be severable; providing for the repeal of Article 6889c of Vernon's Annotated Civil Statutes, Acts 1951, Fifty-second Legislature, Page 424, Chapter 264; providing this Act be cumulative with all other existing laws; and declaring an emergency."

H. B. No. 671, A bill to be entitled "An Act confirming and validating sale of certain submerged and unsubmerged land in the 'Cayo Del Oso' to the City of Corpus Christi; retaining title to minerals in the State of Texas and prescribing terms for their development; providing for settlement of boundary conflicts with claimants of adjacent land; providing for improvement of such land by the City of Corpus Christi or its assigns by

January 1, 1971, with reverter to the State of portions thereof not so improved, except portions devoted to channels, canals and waterways, prescribing certain terms and conditions for conveyance of all or any part of such lands by the City of Corpus Christi; repealing conflicting laws; providing a saving clause; and declaring an emergency."

H. B. No. 838, A bill to be entitled "An Act to amend the subject matter embraced in Section 17, Section 19(A) and Section 21, of Title 86, Article 5421m as amended, Revised Civil Statutes of Texas (1925), providing for an increase in interest rates; providing for resale of forfeited land; providing for an increase in fees for processing and servicing applications; etc.; and declaring an emergency."

H. B. No. 951, A bill to be entitled "An Act amending Article 1106a of Vernon's Texas Penal Code, defining the word 'person' and providing that every director, officer, agent, employee, or member of any firm, co-partnership, association, or corporation participating in, aiding, or authorizing any violation of this Act shall be subject to the punishment provided herein; etc.; and declaring an emergency."

H. B. No. 1064, A bill to be entitled "An Act fixing the salaries to be paid certain officials in certain counties; repealing all laws in conflict therewith; and declaring an emergency."

H. B. No. 1101, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as El Paso County Water Control and Improvement District-Westway; declaring District a governmental agency, body politic and corporate; defining the boundaries; etc.; and declaring an emergency."

S. B. No. 327, A bill to be entitled "An Act to amend Article 17.05 of Acts 1959, 56th Legislature, 3rd Called Session, Chapter 1; and declaring an emergency."

S. B. No. 473, A bill to be entitled "An Act amending Art. 6066, RCS of Texas, 1925, as amended, so as to authorize transfer of monies collected pursuant to the provisions of Article 6060, RCS of Texas, 1925, as amend-

ed, for the purpose of paying for the administration of the conservation laws of this State relating to the production of gas, which includes condensates and distillates, making other provisions thereto; and declaring an emergency."

S. B. No. 152, A bill to be entitled "An Act relating to petit juries in counties using the jury wheel; amending Article 2101 of the Revised Civil Statutes of Texas, 1925, providing that in counties having two or more criminal district courts and two or more district courts, two separate jury panels for the week may be drawn, one of which shall be drawn by and be in attendance upon those courts which have a criminal docket and the other to be drawn by and be in attendance upon those courts which have a civil docket; and declaring an emergency."

S. B. No. 57, A bill to be entitled "An Act amending Section 1, Article 3.51 of the Insurance Code, so as to permit contributions by employers to premiums for contracts insuring their employees under group policies procured as authorized by said Article; and declaring an emergency."

S. B. No. 256, A bill to be entitled "An Act to amend Section (b), Article 1.05 of the Texas Insurance Code, as amended by Acts 1957, 55th Legislature, p. 1457, Chapter 499, Sec. 2, to provide for an annual salary for the members of the State Board of Insurance; repealing Section (e), Article 1.04, Texas Insurance Code; and declaring an emergency."

S. B. No. 22, A bill to be entitled "An Act to authorize the establishment of special county-wide day schools for deaf scholastics between the scholastic age of Six (6) and Twenty-one (21) years, inclusive, in all counties having a population of Three Hundred Thousand (300,000) inhabitants or more according to the last preceding Federal census; etc.; and declaring an emergency."

S. B. No. 366, A bill to be entitled "An Act making it a misdemeanor to maliciously obstruct emergency telephone calls; providing penalties; and declaring an emergency."

S. B. No. 477, A bill to be entitled "An Act authorizing eligible counties, as defined therein, to issue certificates of indebtedness for a stated

purpose; stating terms and conditions of issuance; requiring the levy of a tax to pay such certificates and interest thereon; providing for the issuance of refunding bonds; enacting other provisions incident and related to the subject; and declaring an emergency."

S. B. No. 153, A bill to be entitled "An Act relating to petit juries in counties using the jury wheel; amending Article 2102 of the Revised Civil Statutes of Texas, 1925; providing that in those counties which draw two separate jury panels for the week, the commissioners court shall provide a room or place for each panel and the sheriff shall assign a deputy to look after each panel; and declaring an emergency."

S. B. No. 217, A bill to be entitled "An Act setting up health standards for Grade A milk for pasturization produced outside the State of Texas and imported to points within; and requiring that such persons authorizing the importation of such milk certify that the milk is produced in accordance with standards for the production of milk in Texas; providing for inspection of foreign milk producers; providing for permit fees; providing for penalties; and declaring an emergency."

S. B. No. 321, A bill to be entitled "An Act directing payment of certain miscellaneous claims and judgments out of the sum appropriated for that purpose in the General Appropriation Bill; making an appropriation for and directing payment of certain miscellaneous claims and judgments out of other funds designated herein; requiring approval of claims in the manner specified in the Act before payment is made; and declaring an emergency."

S. B. No. 279, A bill to be entitled "An Act providing for an interim joint committee to study development of beach areas; and declaring an emergency."

S. B. No. 165, A bill to be entitled "An Act to amend Article 2669 and Article 2673 of the Revised Civil Statutes of Texas, 1925, as amended, relating to the investment of the State Permanent School Fund by the State Board of Education; repealing all laws in conflict; providing for severability; and declaring an emergency."

S. B. No. 212, A bill to be entitled "An Act amending Section 1 of Article 3.50 of the Insurance Code, Acts 1951, 52nd Legislature, Chapter 491, as amended, relating to classes of group life insurance policies that may be delivered in this state, by adding thereto a provision for an additional class of policies for the benefit of certain employers and employees; defining and regulating wholesale, franchise and employee life insurance; and declaring an emergency."

S. B. No. 10, A bill to be entitled "An Act amending H. B. No. 11, Acts 1959, 56th Leg., 3rd C. S., p. 187, ch. 1, codified in the General and Special Laws of Texas, 56th Legislature, and in Vernon's Civil Statutes of Texas, as Chapter 9 (Under Ch. 1), Title 122 A, relating to Taxation—General—Motor Fuel Tax, by adding a section (under Chapter 9 of Ch. 1) denominated as Section (6a) of Article 9.13 and amending Sections (13) and (14) of Article 9.25 (such articles and sections, having been utilized in such codifications, being here used for convenience) pertaining to claimed and unclaimed refunds on motor fuel revenues used for aircraft purposes, making allocation thereof, and making other provisions relating thereto; providing for severability, for repeal of conflicting law, and declaring an emergency."

S. J. R. No. 6, Proposing an amendment to Article VII of the Constitution of Texas by adding a section to be known as Section 3-b, providing that school taxes theretofore voted in any Independent School District, the major portion of which is within Dallas County, shall not be abrogated, cancelled or invalidated by a change in boundaries nor shall bonds voted, but unissued, at the time of such change, be invalidated by such change; etc.

Report of Standing Committee

Senator Aikin submitted the following report:

Austin, Texas,
May 26, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 441, have had the same under consideration, and we are instructed to report it back to the

Senate with the recommendation that it do pass as amended and be printed.

AIKIN, Chairman.

House Bill 441 Ordered Not Printed

On motion of Senator Parkhouse and by unanimous consent H. B. No. 441 was ordered not printed.

Senate Resolution 542

Senator Colson offered the following resolution:

Whereas, Our esteemed colleague, the Honorable Tom Creighton, and his charming wife, Sue, are the fortunate parents of three fine boys, Thomas William Creighton, Jr., age 9; Kenneth Roy Creighton, age 7; and Mark Gregory Creighton, age 4; and

Whereas, These handsome young men have been a constant source of joy and pride to their parents, as well as their many friends; and

Whereas, They have exhibited evidence of having inherited the fine qualities of their beloved parents; and

Whereas, Mark Gregory Creighton was declared a Mascot of the Senate of the 57th Legislature under the general resolution regarding the block picture; now, therefore, be it

Resolved, That Thomas William Creighton, Jr., and Kenneth Roy Creighton be named and declared Mascots of the Senate of the Fifty-seventh Legislature; and, be it further

Resolved, That their pictures be placed in the picture panel with the Members of the Senate of the Fifty-seventh Legislature; and, be it further

Resolved, That official copies of this resolution be sent to Thomas William, Jr., Kenneth Roy, and Mark Gregory Creighton; and to their parents; and that the Senate go on record as extending to them its best wishes for good health, happiness and success throughout life.

The resolution was read and was adopted.

Senate Resolution 544

Senator Kazen offered the following resolution:

Whereas, Because of her beauty, talent, poise and personality, Miss Mary Cage Moore, daughter of Mr. and Mrs. James R. Moore, of Laredo, was chosen Miss Texas on July 30, 1960; and

Whereas, She brought national attention and credit to her home state by winning the trophy for the most talented dancer in the nationally televised Miss America Pageant; and

Whereas, By making the Dean's List at Southern Methodist University, by being an accomplished dancer and pianist, and by expressing her desire to help others as a child psychologist, she has set a high example for the young womanhood of Texas; and

Whereas, Since her election, she has served, and continues to serve, as an official representative of the state, and as such is acting in an exemplary manner that personifies the traditional friendliness and progressive character of Texas; now, therefore, be it

Resolved by the Senate of the State of Texas, That it does hereby congratulate Miss Mary Cage Moore for her outstanding achievements, and, on behalf of the people of Texas, expresses its appreciation for the widespread recognition she has brought to the state and its youth.

The resolution was read and was adopted.

Senate Resolution 545

Senator Rogers offered the following resolution:

Whereas, On October 5, 1953, our distinguished colleague, the Honorable A. R. Schwartz and his lovely wife, Marilyn, were doubly blessed to become the parents of twin boys, Robert A. Schwartz and Richard A. Schwartz; and

Whereas, We find Robert A. Schwartz and Richard A. Schwartz, their parents' pride and joy; to be proper Mascots of the Senate of the State of Texas, and the Members of the Senate desire to proclaim their love and admiration for these fine young men by bestowing honor and recognition upon them; and

Whereas, John R. Schwartz and Thomas L. Schwartz were declared Mascots of the Senate of the 57th Legislature under the general resolution regarding the block pictures; now, therefore, be it

Resolved, That Robert A. Schwartz and Richard A. Schwartz be designated as Mascots of the Senate of the 57th Legislature and that their photographs also be placed in the picture panel with their brothers and

the Members of this Senate; and, be it further

Resolved, That copies of this resolution be sent to Robert A. Schwartz, Richard A. Schwartz, John R. Schwartz and Thomas L. Schwartz, and to their parents as a memento of this honor; and that the Senate of Texas extend its best wishes for their happiness and good health and express its desire that they may grow up in the admonition and nurture of the Lord.

The resolution was read and was adopted.

Senate Concurrent Resolution 79

Senator Reagan offered the following resolution:

S. C. R. No. 79, Suspending Joint Rules to consider S. B. No. 206 at any time.

Resolved, by the Senate of the State of Texas, and the House of Representatives concurring, That the Joint Rules be and they are hereby suspended in order that the House of Representatives may take up Senate Bill No. 206 at any time.

The resolution was read.

On motion of Senator Reagan and by unanimous consent the resolution was considered immediately and was adopted.

Senate Concurrent Resolution 80

Senator Willis offered the following resolution:

S. C. R. No. 80, Providing committee to study problems of Texas Turnpike Authority.

Whereas, The Texas Turnpike Commission was created in 1955 by the Texas Legislature to govern Texas turnpipes. The Dallas-Fort Worth turnpike is the only turnpike in operation in Texas and is located wholly within the confines of Dallas and Tarrant Counties; and

Whereas, The western end of the Dallas-Fort Worth turnpike was constructed over the right-of-way that was originally designated and intended for the construction of a freeway for the use of citizens of East Fort Worth, who now have to pay a 10¢ toll charge to use this section of the turnpike; and

Whereas, Numerous attempts have been made by civic groups in Fort

Worth, the City Council, members of the Legislature and other interested groups to work out a plan whereby either the turnpike could be used by the citizens of East Fort Worth on an annual fee basis, paid for by the city, or some arrangement could be made whereby a freeway could be extended along the turnpike right-of-way to care for the needs of East Fort Worth people; and

Whereas, Bonds have been voted by the City of Fort Worth to secure right-of-way but certain turnpike property will have to be either acquired or leased and the Turnpike Commission is at present studying means to this end; and

Whereas, It will be to the interest of thousands of citizens of Texas if a fair solution of this problem can be effected, which might be helped by the appointment of one (1) member of the Texas Senate and three (3) members of the House of Representatives to work with the Texas Turnpike Commission, the City Council of Fort Worth and other interested parties in solving this problem; now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, that the Lieutenant Governor be, and he is hereby authorized, to appoint one (1) member of the Texas Senate and the Speaker of the House of Representatives be, and he is hereby authorized, to appoint three (3) members of the House of Representatives to work with the Turnpike Commission and all interested parties in the solution of this vital problem.

The resolution was read.

On motion of Senator Willis and by unanimous consent the resolution was considered immediately and was adopted.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the adoption of the above resolution.

Senate Concurrent Resolution 81

Senator Willis offered the following resolution:

S. C. R. No. 81, Recalling S. B. No. 255 from the Governor's Office and instructing Enrolling Clerk to make certain corrections in the bill.

Whereas, Senate Bill No. 255 has

passed the Senate and House and is now on the Governor's desk; and

Whereas, Through an inadvertent error the number "4" was inserted in line 2, page 3 of the Enrolled Bill instead of "2A" which is the section of said bill to which reference is made; and

Whereas, It is necessary for the original purpose and intent of the bill to delete the number "4" and insert in lieu thereof the number "2A"; now, therefore, be it

Resolved, That the Governor be respectfully requested to return Senate Bill No. 255 to the Senate and the Enrolling Clerk be authorized and instructed to strike the number "4" from line 2 of page 3 of the Enrolled Bill and insert in lieu thereof the number "2A"; and, be it further

Resolved, That the Speaker of the House and the President of the Senate be instructed to remove their signatures from the Bill and that the Enrolling Clerk of the Senate be instructed to re-enroll said Bill with the correction authorized in this Resolution.

The resolution was read.

On motion of Senator Willis and by unanimous consent the resolution was considered immediately and was adopted.

Conference Committee on House Bill 214

Senator Baker called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 214 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following Conferees on the bill on the part of the Senate: Senator Baker, Reagan, Schwartz, Dies and Aikin.

Message from Governor

The following message received from the Governor today was read and was filed with the Secretary of the Senate:

MESSAGE TO MEMBERS OF THE LEGISLATURE:

In these last hours when everyone

is hoping that some compromise can be worked out to solve the problem of State finances before midnight Monday, I sincerely regret that one of the leading morning newspapers contains a headline and interpretive story saying that I, "in effect, blamed the Legislature in advance Friday if it fails to pass a 'satisfactory' tax bill."

It is impossible for me to understand how this interpretation could be placed on my Friday statement, which I quote to you verbatim as follows:

"In answer to the question whether there will be a special session this summer if a satisfactory tax bill is enacted before Monday night but nothing is accomplished on the escheat enforcement bill and loan shark legislation, the Governor's reply was as follows:

"If the Legislature passes a satisfactory tax bill before adjournment Monday night there will be no special session this summer or anytime soon. A special session for the escheat bill and other matters could best be timed for later in the year or early next year. I still have hope that the Senate conferees will offer or accept some type of compromise so that the tax problem, school program, old age medical care financing, and the general appropriation bill can be enacted before midnight Monday."

I believe you will agree with me that nothing in this statement blames the Legislature for anything. Certainly, nothing of this nature was intended. I did express the hope that the Senate conferees will offer or accept some type of compromise that can be enacted before midnight Monday, because the House conferees have offered several compromises which would provide a solution.

Also, the same news story says that my conversations with legislators indicate that I would veto the Senate version of the general sales tax one time at this regular session, and then let the same bill become law at a special session. I hope I have not left this impression with anyone, and so that there may be no misunderstanding about it, I want to make it clear that I would veto the Senate version of H. B. 334 (general retail sales tax on items above 25¢) in a special session the same as in the regular session. Anybody who refuses to work on a compromise in these last hours under the mistaken notion that I can be forced to take the pending bill or its

counterpart at a special session, is making a serious error and wasting valuable time.

I appeal to all members of the Legislature, whether you agree with my views or not, to realize that I am under solemn campaign pledges and State Democratic Party platform pledges which I feel duty bound to fight for and uphold, and I hope you will believe that I intend to do just that.

The House conferees, and I believe a majority of the House, favor a compromise that I could and would accept, and I sincerely trust that others concerned will yield as much as I have yielded in trying to reach and enact a suitable compromise before midnight Monday instead of waiting to do the same thing at a special session. If this fails, and the Legislature kills the pending version of H. B. 334 instead of giving me that duty and privilege, I assure you that I will not blame a special session on those who so acted, but I shall praise and defend their action as being in the best interests of the people of Texas.

PRICE DANIEL,
Governor.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 27, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 73, Be it resolved by the Senate of Texas, the House of Representatives concurring, that the joint rules be and they are hereby suspended to allow Senate Bill No. 132 to be considered by either house at any time.

The House has concurred in Senate amendments to House Bill No. 524 by vote of 115 ayes, 10 noes.

S. C. R. No. 76, Requesting the Governor to return S. C. R. No. 60 to the Senate for correction.

S. C. R. No. 77, Instructing the Enrolling and Engrossing Clerk of the House to make certain corrections on H. B. 433.

H. B. No. 1135, An Act creating a conservation authority under Article

XVI, Section 59 of the constitution comprising certain territory contained within El Paso and Hudspeth counties, Texas for the purpose of providing a source of water supply for municipal, domestic and industrial use and processing, transporting, and distributing the same, providing drainage and sanitary sewers and facilities; providing for a board of directors for the government of said authority; authorizing the authority to do all things necessary to make available for municipal, domestic and industrial uses, the water from underground and other sources, and water it may obtain by purchase; authorizing the issuance of bonds and providing for payment and security thereof; making applicable to the authority Title 52, Revised Civil Statutes of Texas, as amended, relating to eminent domain, and certain general laws relating to water control and improvement districts; prescribing the other powers of the authority; enacting other provisions relating to this subject; and declaring an emergency.

S. B. No. 452, A bill to be entitled "An Act amending Art. 6243h, R.C.S. of Texas, 1925, as amended, by allowing the cumulation of credits for 'creditable service' of an employee employed by two or more participating departments, if certain conditions are met; by providing for the retroactive application of this Act in favor of all persons eligible for benefits under the provisions hereof from and after January 1, 1959; and declaring an emergency."

S. B. No. 450, A bill to be entitled "An Act amending Article 174 of the Revised Civil Statutes of Texas, 1925, relating to the ownership of land in Texas by corporations; repealing laws in conflict; containing a savings clause; and declaring an emergency."

(With amendment.)

S. B. No. 224, A bill to be entitled "An Act relating to the creation of a National Seashore Area on part of Padre Island and the surrounding submerged lands."

(With amendments.)

S. B. No. 53, A bill to be entitled "An Act amending Section 2 of Chapter 88, General Laws of the 41st Legislature, Second Called Session, 1929, as amended (codified as Article 6675a-2 in Vernon's Texas Civil Statutes), by extending the exemption

from registration of farm trailers and farm semi-trailers to include trailers and semi-trailers owned by cotton gins and grain elevators and used solely for supplying, without charge, such trailers and semi-trailers to farmers to haul agricultural products from place of production to place of process, market or storage of such agricultural products; by increasing the gross weight of exempt farm trailers and farm semi-trailers to twelve thousand (12,000) pounds; and by defining the term 'gross weight'; repealing conflicting laws; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

**Motion to Suspend Senate Rule 106
on House Bill 830**

Senator Calhoun submitted the following Motion in Writing:

I move to suspend Senate Rule 106 in order that the Committee on Agriculture and Livestock may consider at any time H. B. 830 now pending therein.

CALHOUN

The motion was read and failed of adoption by the following vote:

Yeas—19

Aikin	Kazen
Baker	Lane
Calhoun	Moffett
Colson	Parkhouse
Creighton	Ratliff
Dies	Reagan
Hardeman	Rogers
Hazlewood	Smith
Herring	Willis
Hudson	

Nays—9

Gonzalez	Patman
Krueger	Roberts
Martin	Schwartz
Moore	Weinert
Owen	

Present—Not Voting

Fuller

Absent

Crump

Secrest

**Motion to Adopt Conference
Committee Report on House Bill 119**

Senator Moore moved that the Conference Committee Report on H. B.

No. 119 which was submitted to the Senate on Friday, May 5, 1961, be adopted.

Senator Hardeman moved that the Conference Committee Report on H. B. No. 119 be rejected and the Conferees discharged.

Question—Shall the Conference Committee Report on H. B. No. 119 be rejected and the Conferees discharged?

Recess

On motion of Senator Lane the Senate at 12:01 o'clock p.m. took recess until 2:00 o'clock p.m. today.

After Recess

The President Pro Tempore called the Senate to order at 2:00 o'clock p.m. today.

**Motion to Adopt the Conference
Committee Report on House Bill 119**

The Senate resumed consideration of the motion by Senator Moore to adopt the Conference Committee Report on H. B. No. 119 and a motion by Senator Hardeman to reject the Conference Committee Report on H. B. No. 119 and the Conferees discharged.

Question—Shall the Conference Committee Report on H. B. No. 119 be rejected and the Conferees discharged?

House Bill 441 on Second Reading

On motion of Senator Parkhouse and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 441, A bill to be entitled "An Act amending Article 527 of the Penal Code of Texas, 1925, as last amended, by substituting the word obscene for similar words, defining obscene, making it illegal to knowingly possess for sale, keep for sale, manufacture, distribute, assist in the sale or distribution of, or give away an obscene phonograph record, and making a second conviction of a violation of the article a felony; amending Chapter 120, Acts of the 54th Legislature, Regular Session, 1955, by removing the exemption for magazines actually

engaged in the factual reporting of current events; providing for severability; repealing all laws in conflict; and declaring an emergency."

The bill was read second time.

Senator Krueger offered the following Committee Amendment to the bill:

Amend House Bill No. 441 by inserting the word "televisé" after the word "exhibit" in Section 1 and by inserting the word "televisé" after the word "exhibit" in line 2 of Section 2.

The Committee Amendment was adopted.

Senator Krueger offered the following Committee Amendment to the bill:

Amend House Bill No. 441 by adding the following sentence at the end of Section 3:

Provided, further, for the purpose of this Article, the term "Contemporary community standards" shall in no case involve a territory or geographic area less than the State of Texas.

The Committee Amendment was adopted.

Senator Fuller offered the following amendment to the bill:

Amend House Bill 441 by adding a new paragraph under Section 5 to read as follows:

"The provisions of this Act shall not apply to any motion pictures produced or manufactured as commercial motion pictures which (1) have the seal under the Production Code of the Motion Picture Association of America, Inc.; or (2) which legally move in interstate commerce under Federal Law (3) are legally imported from foreign countries into the United States and have been passed by a Customs Office of the United States Government at any port of entry.

The provisions of this Act shall not apply to any daily or weekly newspaper."

The amendment was adopted.

On motion of Senator Parkhouse and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 441 on Third Reading

Senator Parkhouse moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 441 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith

Absent

Fuller	Willis
Weinert	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith

Absent

Fuller	Willis
Weinert	

Message from the House

Hall of the House of Representatives
Austin, Texas,
May 27, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to House Bill 650 by non-record vote.

The House has concurred in Senate amendments to House Bill No. 1050 by vote of 126 ayes, 1 no.

The House has concurred in Senate amendments to House Bill 1067 by non-record vote.

The House has concurred in Senate amendments to House Bill No. 1084 by non-record vote.

The House has concurred in Senate amendments to House Bill No. 377 by vote of 127 ayes, 1 no.

The House has concurred in Senate amendments to House Bill No. 388 by non-record vote.

The House has concurred in Senate amendments to House Bill No. 284 by non-record vote.

The House has concurred in Senate amendments to House Bill No. 129 by vote of 126 ayes, 1 no.

The House has concurred in Senate amendments to House Bill No. 541 by vote of 124 ayes, 2 noes.

The House has concurred in Senate amendments to House Bill No. 207 by vote of 121 ayes, 3 noes.

The House has concurred in Senate amendments to H. C. R. No. 2 by vote of 89 ayes, 23 noes.

The House has concurred in Senate amendments to House Bill No. 1035 by vote of 127 ayes, 1 no.

The House has concurred in Senate amendments to House Bill No. 626 by vote of 118 ayes, 4 noes.

The House has concurred in Senate amendments to House Bill No. 755 by non-record vote.

The House has concurred in Senate amendments to House Bill No. 892 by non-record vote.

The House has concurred in Senate amendments to House Bill No. 409 by non-record vote.

The House has concurred in Senate

amendments to House Bill No. 1105 by vote of 120 ayes, 5 noes.

The House has concurred in Senate amendments to House Bill No. 1088 by vote of 127 ayes, 2 noes, 1 present not voting.

The House has concurred in Senate amendments to House Bill No. 471 by non-record vote.

S. J. R. No. 13, Proposing an amendment to Article III to the Constitution of the State of Texas by adding a new Section to be known as Section 62 and which shall empower the Legislature to provide for the temporary secession to public offices so as to insure the continuity of governmental operations in periods of emergency resulting from disasters caused by enemy attack; providing for the proclamation and publication of this proposed amendment by the Governor. (With amendment.)

The House has concurred in Senate amendments to House Bill No. 1073 by vote of 122 ayes, 5 noes.

The House has adopted the Conference Committee Report on Senate Bill No. 294 by a vote of 121 ayes, 3 noes.

The House has adopted the Conference Committee Report on Senate Bill No. 249 by a non-record vote.

S. J. R. No. 7, Proposing an amendment to Section 51-b of Article III of the Constitution of the State of Texas to provide that the amount paid out of state funds for assistance payments to the totally and permanently disabled may never exceed Two Million Dollars per year. (with amendment.)

S. J. R. No. 9, Proposing an amendment to Section 51a of Article III of the Constitution of the State of Texas to raise the limit on use of state funds for financial assistance of the needy aged, needy blind, and needy children from Forty-seven Million Dollars a year to Fifty-two Million Dollars a year; providing for the necessary election, form of ballot, proclamation, and publication.

H. C. R. No. 126, Suspending the Joint Rules of both Houses to allow the House and Senate to take up House Bill 112 at any time.

The House has adopted the Conference Committee Report on S. J. R. No. 22 by a vote of 123 ayes, 2 noes.

S. C. R. No. 57, Granting permission to Harold E. Kounoviski, Herbert J. Geiser, and Joseph Honomichl to sue the State.

The House has adopted the Conference Committee Report on Senate Bill No. 27 by a vote of 46 ayes, 28 noes.

The House has adopted the Conference Committee Report on Senate Bill No. 210 by a vote of 133 ayes, 0 noes.

H. C. R. No. 132, Suspending the Joint Rules so that either House may take up Senate Bill No. 370 at any time.

The House has adopted the Conference Committee Report on House Bill No. 1049 by a non-record vote.

The House has adopted the Conference Committee Report on Senate Bill No. 318 by a non-record vote.

The House has concurred in Senate amendments to House Bill No. 120 by a vote of 118 ayes, 18 noes.

The House has adopted the Conference Committee Report on House Bill No. 995 by a non-record vote.

The House has concurred in Senate amendments to House Bill No. 731 by a vote of 125 ayes, 11 noes.

H. C. R. No. 133, Requesting the Members of the Conference Committee on Senate Bill No. 1 to include an appropriation sufficient to allow for surveys, architectural planning, acquisition and preparation of site and other preliminaries necessary for the creation of a State school for mentally retarded.

H. C. R. No. 110, Requesting Texas Legislative Council to study payment of claims of health, accident and hospitalization insurance.

The House has adopted the Conference Committee Report on S. J. R. No. 12 by a vote of 117 ayes, 12 noes.

The House has concurred in Senate amendments to House Bill No. 289 by a vote of 123 ayes, 5 noes.

The House has concurred in Senate amendments to House Bill No. 568 by vote of 119 ayes, 7 noes.

The House has concurred in Senate amendments to House Bill No. 373 by vote of 107 ayes, 19 noes.

The House has concurred in Senate amendments to House Bill No. 1109 by vote of 117 ayes, 1 no.

The House has concurred in Senate amendments to House Bill No. 821 by non-record vote.

The House has concurred in Senate amendments to H. C. R. No. 94 by non-record vote.

The House has concurred in Senate amendments to House Bill No. 66 by non-record vote.

The House has concurred in Senate amendments to House Bill No. 770 by vote of 123 ayes, 4 noes.

The House has concurred in Senate amendments to House Bill No. 712 by vote of 122 ayes, 5 noes.

The House has concurred in Senate amendments to House Bill No. 912 by vote of 117 ayes, 6 noes.

The House has concurred in Senate amendments to House Bill No. 441 by vote of 129 ayes, 1 no.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Bill 76 with House Amendments

Senator Hazlewood called S. B. No. 76 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Hazlewood moved that the Senate concur in the House amendments.

The motion prevailed.

(President in the Chair.)

House Bill 112 on Second Reading

On motion of Senator Hudson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 112, A bill to be entitled "An Act authorizing establishment of

special school districts to provide education, training, special services and guidance for handicapped persons; providing for its financing and administration; and declaring an emergency."

The bill was read second time.

Senator Hudson offered the following amendment to the bill:

Amend House Bill 112, Section 9 thereof, so that the same shall hereafter read as follows:

"Section 9. Tax Collection. The Tax Assessors and Collectors in each County in a rehabilitation district must assess and collect taxes on taxable property in a rehabilitation district on levies made and rates fixed by the Board of Directors of that District, not exceeding the rate of five cents (5¢) on each One Hundred Dollars (\$100.00) of valuation. The valuations assessed on property in the rehabilitation district must be the same as those used as the valuations for State and County taxes. Each Tax Collector must collect district taxes at the same time that he collects State and County Taxes. All taxes collected for a rehabilitation district must be accounted for and paid over to the Treasurer of that district, and the Tax Collector must receive the same compensation for assessing and collecting rehabilitation district taxes as is provided by law for like services rendered for Junior College Districts."

The amendment was adopted.

Senator Dies offered the following amendment to the bill:

Amend H. B. 112 by adding the following:

Section 1. The purpose of this Act is to create a Texas Rehabilitation Agency to provide rehabilitation services to the extent needed and feasible to eligible handicapped individuals throughout the State to the end that they may engage in useful and remunerative occupations. Pursuant to such policy, rehabilitation services shall be provided when authorized by the Legislature to eligible persons throughout the State under the rehabilitation plans adopted pursuant to this Act.

Section 2. This Act shall be liberally construed to accomplish the purpose herein sought.

Section 3a. There is hereby cre-

ated a Texas Rehabilitation Agency to consist of three members, one to be appointed by the Governor, a second to be appointed by the Lt. Governor and a third to be appointed by the Speaker of the House of Representatives, all of whom shall be with the consent of the Senate. Members of the Texas Rehabilitation Agency shall be influential citizens in their respective communities who are recognized for their interest in handicapped persons.

b. The term of office of members of the Texas Rehabilitation Agency shall be six years, except that one member initially, the member appointed by the Speaker of the House of Representatives, shall be appointed for a two-year term; one member appointed by the Lt. Governor for a four-year term; one member appointed by the Governor for a six-year term. Members shall be eligible for reappointment. A vacancy for an unexpired term shall be filled by the Governor with the consent of the Senate. Members of the Texas Rehabilitation Agency shall each receive a per diem of \$25.00, not to exceed 60 days for any fiscal year.

c. All members of the Texas Rehabilitation Agency and the Executive Director, appointed by them, shall receive as expenses the actual expenses incurred while on State business for the Texas Rehabilitation Agency.

d. The Texas Rehabilitation Agency shall hold meetings at the call of its Chairman, selected or elected by it, or at the request of any two members at such times and places as its Chairman may determine, but it shall not hold less than four meetings annually.

e. The Texas Rehabilitation Agency shall have its office wherever it chooses, in such building as shall be designated and approved by the State Board of Control.

f. An Executive Director shall be employed by the Texas Rehabilitation Agency to serve at the pleasure of said Texas Rehabilitation Agency and shall perform such duties as shall be designated by the Texas Rehabilitation Agency. Said Executive Director shall devote full time to the work of the Texas Rehabilitation Agency. The Texas Rehabilitation Agency shall manage, control and supervise all rehabilitation programs hereinafter provided including all du-

ties and functions now assigned by law to the Division of Vocational Rehabilitation under the State Board for Vocational Education; all duties and functions assigned by this Act and those which may be legally assigned in the future.

Section 4. The term "rehabilitation service" means diagnostic, restorative and related services, training, guidance and placement service for handicapped individuals and the issuance of any goods and services necessary to render such individuals fit to engage in a remunerative occupation or to achieve his rehabilitation to independent living. The term "handicapped individual" means any individual who is under a physical or mental disability, except one who is legally blind, which constitutes a substantial handicap to employment, but which is of such a nature that rehabilitation services may reasonably be expected to render him fit to engage in a remunerative occupation or to achieve his rehabilitation to independent living.

Section 4a. Provided, however, that the division of the State Agency responsible for determination of disability under Sections 221 and 222 of the Social Security Act shall not be transferred to the Agency created by this Act, but said division, together with its employees, appropriations and personal property, shall be transferred to the Department of Public Welfare of the State of Texas.

Section 5. The Texas Rehabilitation Agency may provide rehabilitation services to the physically and mentally handicapped individuals determined by the Executive Director to be eligible therefor and in carrying out the purposes of this Act the Agency, is authorized, among other things, to aid in the establishment and operation of rehabilitation facilities and to aid in supervision of operation of small businesses to be conducted by severely handicapped individuals and to aid in establishing, maintaining and operating rehabilitation clinics and workshops and similar facilities needed for the rehabilitation of handicapped individuals. Such Agency is authorized to cooperate with any other department of the State of Texas and the Federal Government and with any public or private non-profit institution.

Section 6. The Treasurer of the State of Texas is hereby authorized and empowered to receive the funds

appropriated under the Act of Congress passed June 2, 1920, and as subsequently amended, entitled, "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry and otherwise, and their return to civil employment" and to make disbursements therefrom upon the order of the Texas Rehabilitation Agency. The Texas Rehabilitation Agency is hereby authorized to receive gifts and donations for such rehabilitation work, said gifts and donations to be deposited by the Executive Director in the State Treasury, subject to the matching of same with federal funds up to such amount as the Federal Government may allocate per biennium to the state for said work and which has not already been met with State appropriations for said biennium.

Section 7. The Texas Rehabilitation Agency shall be financed by all monies appropriated by the Legislature of this State and all monies received from the United States or any other source for rehabilitation other than for vocational rehabilitation of the legally blind. Federal grants and donations for rehabilitation services, except those for the legally blind and those otherwise restricted, shall be available for all rehabilitation services provided under the State plan pursuant to this Act and also for the purpose, whenever Federal funds are made available to the State under Section 3 of the Federal Vocational Rehabilitation Amendments of 1954, for the extension and improvement of vocational rehabilitation services, or under Section 4 of such Act for projects for research, demonstration, training and traineeships, and for the planning for and initiating expansion of rehabilitation services under the State plan.

Section 8. The Legislature shall appropriate for rehabilitation, such sums as are necessary along with available Federal and other funds to carry out the purposes of this Act. The acceptance of such Federal and other funds and their use for rehabilitation is hereby authorized. All monies available to the Agency shall be deposited, administered and disbursed in the same manner and under the same conditions and requirements as provided by law for other public funds in the State Treasury.

Section 9. It shall be unlawful, except for purposes directly connected

with the administration of the rehabilitation program and in accordance with regulations, for any person or persons to solicit, disclose, receive, or make use of, or authorize, knowingly permit, participate in, or acquiesce in the use of any list of, or names of or any information concerning persons applying for or receiving rehabilitation, directly or indirectly derived from the records.

Section 10. All functions now provided by law of the Division of Vocational Rehabilitation of the Central Education Agency, together with all personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available are hereby transferred to the Agency, as of the effective date of this Act. Wherever under existing statutes, duties, obligations and responsibilities are placed upon the Division of Vocational Rehabilitation of the Central Education Agency, or duties, obligations and responsibilities relating to vocational rehabilitation of the physically and mentally handicapped are imposed upon the State Board for Vocational Education, such duties, obligations and responsibilities shall hereafter be assumed and carried out by the Texas Rehabilitation Agency.

Section 11. No officer or employee engaged in the administration of the programs authorized by this Act shall use his official authority or influence or permit the use of the program authorized by this Act for the purpose of interfering with an election or affecting the results thereof or for any partisan political purpose. No such officer or employee shall take any active part in the management of political campaigns or participate in any political activity, except that he shall retain the right to vote as he may please and to express his opinion as a citizen on all subjects. No such officer shall solicit or receive, nor shall any such officer or employee be obliged to contribute or render, any service, assistance, subscription, assessment, or contribution for any political purpose. Any officer or employee violating this provision shall be subject to discharge or suspension.

Section 12. Any individual applying for or receiving rehabilitation who is aggrieved by any action or inaction of the State Agency shall be entitled, in accordance with regulations, to a fair hearing by the Agency.

Section 13. The right of a handicapped individual to benefits under this Act shall not be transferable or assignable at law or in equity.

Section 14. Personnel of the Division of Vocational Rehabilitation of the Central Education Agency hereby transferred to the Texas Rehabilitation Agency shall have the option of retaining membership in the Teacher Retirement System of Texas or becoming members of the Employees Retirement System of Texas under the provisions of Chapter 75, Acts of the Fifty-fourth Legislature, Regular Session, 1955, as amended by Chapter 230, Acts of the Fifty-sixth Legislature, Regular Session, 1959.

Section 15. Nothing contained in this Act shall be construed to affect or alter in any way the Federal-State programs provided for the rehabilitation of the legally blind administered by the Texas Commission for the Blind or for the physical restoration of crippled children administered by the Crippled Children's Division of the Texas State Department of Health.

Section 16. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 17. Sections 2, 2-a and 2-b of Chapter 23, Acts of the Forty-first Legislature, First Called Session, 1929, as amended by Chapter 99, Acts of the Forty-third Legislature, First Called Session, 1933, and all other laws and parts of laws in conflict with this Act are hereby repealed to the extent of such conflict only.

Section 18. This Act shall take effect on January 1, 1962.

Section 19. The urgent need for a separate State Agency to devote its entire attention to an effective rehabilitation program for the physically and mentally handicapped citizens of this State creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended.

The amendment was read.

Senator Kazen raised the point of

order that the amendment by Senator Dies was not germane to the caption of H. B. No. 112.

The President sustained the point of order.

On motion of Senator Dies and by unanimous consent the amendment was temporarily withdrawn.

Question—Shall H. B. No. 112 as amended be passed to third reading?

At Ease

The President announced at 2:52 o'clock p.m. that the Senate would stand At Ease for three minutes.

In Legislative Session

The President called the Senate to order as In Legislative Session at 2:55 o'clock p.m.

House Bill 829 on Second Reading

Senator Willis moved to suspend the regular order of business and take up H. B. No. 829 for consideration at this time.

The motion prevailed by the following vote:

Yeas—20

Baker	Parkhouse
Calhoun	Patman
Creighton	Ratliff
Dies	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Kazen	Secrest
Lane	Smith
Owen	Willis

Nays—8

Aikin	Krueger
Crump	Martin
Gonzalez	Moffett
Hudson	Moore

Absent

Colson	Weinert
Fuller	

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 829, A bill to be entitled "An Act concerning the practice of barbering in this State; amending Sections 9, 20 and 27 of House Bill 104, Chapter 65, Acts of the 41st Leg-

islature, First Called Session, as amended; changing the existing provisions relating to the licensing and operation of barber schools and colleges; providing for an increase of the annual renewal fee for certificates of registration; providing that the members of the State Board of Barber Examiners shall receive an increase in per diem; providing for severability; and declaring an emergency."

The bill was read second time.

Senator Willis offered the following amendment to the bill:

Amend House Bill No. 829 by striking out of line 39, Page 4 of the printed bill the words and figures: "Ten Dollars (\$10)" and inserting in lieu thereof: "Eight Dollars (\$8.00)."

The amendment was adopted.

Senator Willis offered the following amendment to the bill:

Amend House Bill No. 829 by striking out of line 63, Page 1 of the printed bill the words and figures: "one thousand, eight hundred (1,800)" and inserting in lieu thereof the following: "two thousand, eight hundred (2,800)."

The amendment was adopted.

Senator Dies offered the following amendment to the bill:

Amend H. B. No. 829 by adding to Sec. 4 the following:

"No barber college or institution authorized under this Act may charge more than the actual cost for any barber work or services performed by student or trainees at the institution."

The amendment was read.

Senator Willis moved to table the amendment by Senator Dies.

Question on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—9

Baker	Schwartz
Calhoun	Secrest
Creighton	Smith
Hazlewood	Willis
Rogers	

Nays—19

Aikin	Martin
Crump	Moffett
Dies	Moore
Gonzalez	Owen
Hardeman	Parkhouse
Herring	Patman
Hudson	Ratliff
Kazen	Reagan
Krueger	Roberts
Lane	

Absent

Colson	Weinert
Fuller	

Question recurring on the amendment by Senator Dies, the amendment was adopted.

Senator Owen offered the following amendment to the bill:

Amend H. B. No. 829 by adding a new subsection after subsection (c) on page 2 between line 31 and 32 to read as follows:

(d) Anything to the contrary in this Act notwithstanding each such school shall place a sign on the front outside portion of its building in a prominent place. Such sign shall read "BARBER SCHOOL — STUDENT BARBERS" and shall be a minimum size of ten inch block letters. Printed signs containing the foregoing information shall be prominently displayed upon each inside wall of the establishment.

The amendment was adopted.

Senator Owen offered the following amendment to the bill:

Amend H. B. No. 829 by deleting all of Sec. 1 beginning on line 22 and ending on line 31 of page 2.

The amendment was read.

Senator Gonzales offered the following substitute for the pending amendment:

Amend H. B. 829 by deleting lines 22 through 31 on page 2, and substituting in lieu thereof the following:

"Provided, however, barber schools and colleges holding a valid and current permit at the time of the effective date of this Act shall be exempt from the provisions of this subsection."

The substitute for the pending amendment was read.

Senator Owen moved to table the amendment by Senator Gonzalez for the pending amendment.

The amendment was tabled by the following vote:

Yeas—23

Baker	Moffett
Calhoun	Moore
Creighton	Owen
Crump	Patman
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Rogers
Kazen	Secrest
Krueger	Smith
Lane	Willis
Martin	

Nays—4

Aikin	Parkhouse
Gonzalez	Schwartz

Absent

Colson	Fuller
Dies	Weinert

Question recurring on the amendment by Senator Owen, the amendment was adopted.

On motion of Senator Willis and by unanimous consent the caption was amended to conform to the body of the bill as amended.

Senator Gonzalez moved that H. B. No. 829 be Laid on the Table.

The motion to Lay on the Table was lost by the following vote:

Yeas—6

Crump	Hudson
Gonzalez	Moore
Hardeman	Parkhouse

Nays—21

Aikin	Owen
Baker	Patman
Calhoun	Ratliff
Creighton	Reagan
Dies	Roberts
Hazlewood	Rogers
Kazen	Schwartz
Krueger	Secrest
Lane	Smith
Martin	Willis
Moffett	

Absent

Colson	Herring
Fuller	Weinert

The bill as amended was passed to third reading.

House Bill 829 on Third Reading

Senator Willis moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 829 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Moore
Baker	Owen
Calhoun	Parkhouse
Creighton	Patman
Dies	Ratliff
Gonzalez	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis
Moffett	

Nays—2

Crump	Hardeman
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Absent

Colson	Martin
Fuller	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Report of Standing Committee

Senator Crump by unanimous consent submitted the following report:

Austin, Texas,
May 27, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred H. J. R. No. 30, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CRUMP, Chairman.

**House Joint Resolution 30
Ordered Not Printed**

On motion of Senator Crump and

by unanimous consent H. J. R. No. 30 was ordered not printed.

Bills and Resolutions Signed

The President signed in the presence of the Senate after the captions had been read the following enrolled bills and resolutions:

H. C. R. No. 71, Requesting the Texas Legislative Council to conduct a study of the many extra nonconstitutionally required duties of the Attorney General and the feasibility of relieving the Attorney General's office of such duties.

H. C. R. No. 136, Directing the House Enrolling and Engrossing Clerk to make certain corrections in Senate Amendment No. 4 to House Bill No. 821.

H. C. R. No. 98, Requesting the Texas Commission on Higher Education to make a special study of the over-all needs of the State in the field of public higher education.

H. C. R. No. 120, Granting permission to Ed Tate and his wife, Norma Tate, to sue the State of Texas and the Texas Highway Department.

H. B. No. 860, a bill to be entitled "An Act to amend the subject matter of the Texas Unemployment Compensation Act, as amended, and as embraced in Section 7 providing for contributions, and Section 19 providing definition of terms for the Texas Unemployment Compensation Act, as amended (Senate Bill No. 5, Chapter 482, General and Special Laws of the 44th Legislature, Third Called Session, 1936, as amended); providing for the repeal of all laws and parts of laws in conflict herewith and for preserving rights accrued thereunder; providing for the separability of provisions; providing an effective date for this Act; and declaring an emergency."

H. B. No. 1110, A bill to be entitled "An Act creating 'Escondido Watershed District' under the provisions of Section 59, Article XVI of the Texas Constitution; etc.; and declaring an emergency."

H. B. No. 1106, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Brown County Water Control and Improvement

District-Holiday Hills; declaring District a governmental agency, body politic and corporate; defining the boundaries; etc.; and declaring an emergency."

H. B. No. 921, A bill to be entitled "An Act amending Article 1334 of the Penal Code of Texas, 1925, to provide for the inclusion of electrical transmission lines in addition to others specified therein, and also to add the offense of selling or attempting to sell to the other offenses provided for therein; and declaring an emergency."

H. B. No. 177, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI of the Constitution to be known as 'Rio Grande Palms Water District'; defining its powers; abolishing Cameron County Water Control and Improvement District No. 20; enacting other provisions relating to the subject; and declaring an emergency."

H. B. No. 897, Amending a portion of the Texas Liquor Control Act; amending Subsection 1 of Article 667-24a, Texas Penal Code, the Texas Liquor Control Act, Acts of the Forty-fourth Legislature, Second Called Session, as amended, to more clearly define "outdoor advertising"; and declaring an emergency.

H. B. No. 1102, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI, Constitution of Texas, to be known as 'Hull Fresh Water Supply District'; prescribing its rights, powers, privileges and duties; providing the District shall bear the sole expense of the relocation of certain facilities under the provisions of this Act; providing for its governing body; containing other provisions relating to the subject; providing a severability clause; and declaring an emergency."

H. B. No. 819, A bill to be entitled "An Act limiting the provisions of this Act to Harrison County; making it unlawful, except under the provisions of this Act, for any person to hunt, take, kill or possess any game bird or game animal in said County at any time; to take, kill or trap any fur-bearing animal in said County; etc.; and declaring an emergency."

H. B. No. 1096, A bill to be entitled

"An Act amending Section 1 of Chapter 266, Acts of the 56th Legislature, Regular Session, 1959, relating to the open season for squirrels in Upshur and Wood Counties; and declaring an emergency."

H. B. No. 702, A bill to be entitled "An Act to provide for the exclusion of certain lands from Water Control and Improvement Districts; amending Sections 1, 2, 5 and 6 of Chapter 119, Acts of the 47th Legislature, Regular Session, 1941, as amended, and adding a new section, Section 01, thereto; and declaring an emergency."

H. B. No. 613, A bill to be entitled "An Act amending Section 5 of Chapter 313, Acts of the 41st Legislature, Regular Session, 1929, as amended, to provide for additional notice in certain hearings; and declaring an emergency."

H. B. No. 972, A bill to be entitled "An Act authorizing Nueces County Drainage and Conservation District Number 2 to conduct its affairs in certain respects under and pursuant to the provisions of Article XVI, Section 59 of the Constitution of the State of Texas, relating to term of office, eligibility and composition of the Commissioners of such District; and declaring an emergency."

H. B. No. 86, A bill to be entitled "An Act amending subsection (1) Article 7.02 and subsection (1), Article 7.06 of Chapter 1 of Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, so as to provide that the cigarette tax shall be paid by the person who ultimately uses or consumes cigarettes; and declaring an emergency."

H. B. No. 1120, A bill to be entitled "An Act ratifying, confirming and validating the creation, establishment and Boundaries of Fannin County Water Control and Improvement District No. 3 (Lower Bois d'arc Water District), the organization, confirmation election and election of directors for the District and all proceedings relating thereto; granting said District the powers enumerated in Article XVI, Section 59 of the Constitution of Texas; and declaring an emergency."

H. B. No. 1118, Authorizing disbursement of the unexpended balance of certain funds to the Runnels County Water Improvement District.

H. B. No. 758, A bill to be entitled "An Act fixing the salaries of certain county officers of all counties having a population of not less than thirteen thousand three hundred eighty (13,380) and not more than thirteen thousand seven hundred (13,700) according to the last preceding Federal Census; and declaring an emergency."

H. B. No. 117, A bill to be entitled "An Act relating to the appointment, qualifications, duties and compensation of official shorthand reporters for the District Courts of the Seventieth and One Hundred Sixty-first Judicial Districts of Ector County, Texas; fixing maximum and minimum salaries to be paid, in addition to compensation for transcripts, statement of fact and other fees; repealing all laws or parts of laws in conflict; providing a savings clause; and declaring an emergency."

H. B. No. 524, A bill to be entitled "An Act amending Article 5435, Revised Civil Statutes of Texas, to provide the State Librarian shall be the executive and administrative officer of the Texas Library and Historical Commission; and declaring an emergency."

H. B. No. 630, A bill to be entitled "An Act enabling navigation districts organized under the provisions of Section 59 of Article XVI of the Constitution and coming within the purview of this Act to enact ordinances, rules, and regulations for the purpose of protecting their properties and of promoting the health, safety and general welfare of that portion of the general community using their said properties and the facilities constructed thereon; etc.; and declaring an emergency."

H. B. No. 376, Providing that Water Control and Improvement Districts and underground water conservation districts may be created only according to the provisions of Section 59 of Article 16 of the Constitution; providing exemptions; and declaring an emergency."

H. B. No. 1043, A bill to be entitled "An Act providing for the hunting, taking, and killing of wild buck deer, wild bear, wild turkey gobblers and collared peccary or javelina with bows and arrows in Lamar County; establishing a season therefor and providing for use of certain types of bows

and arrows; defining a buck deer for purposes of this Act; providing penalties; and declaring an emergency."

H. B. No. 639, A bill to be entitled "An Act amending subdivision 7 of Article 7150, Revised Civil Statutes of Texas, 1925, so as to exempt the personal property of institutions of public charity from ad valorem taxation; and declaring an emergency."

H. B. No. 1023, A bill to be entitled "An Act to be cited as the 'Wichita County Hospital District Law'; providing for an election on the question of creating a county-wide hospital district in Wichita County pursuant to authority granted by Article IX, Section 5, of the Constitution of the State of Texas; providing for the management of the district; etc.; and declaring an emergency."

H. C. R. No. 77, Granting permission to George T. Odom to sue the State of Texas and the Lower Colorado River Authority.

H. C. R. No. 80, Recommending that the Texas Education Agency make a survey to determine the practicability of the use of paperback textbooks in the public schools of Texas.

H. C. R. No. 72, Directing the Texas Education Agency to make a study for the purpose of the establishment of standards for a higher level high school diploma and to report its findings and recommendations to the Fifty-eighth Legislature.

H. C. R. No. 100, Granting H. N. Crow, et ux Willie May Crow, permission to sue the State of Texas and the State Highway Department.

Senate Bill 450 with House Amendments

Senator Reagan called S. B. No. 450 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Reagan moved that the Senate concur in the House amendments.

The motion prevailed.

**Senate Bill 438 with
House Amendments**

Senator Secrest called S. B. No. 438 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Secrest moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Absent

Colson	Weinert
Fuller	

**House Concurrent Resolution 109
on Second Reading**

On motion of Senator Baker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

H. C. R. No. 109, Granting permission to Continental Fidelity Investment Company to sue the State of Texas.

The resolution was read and was adopted.

House Bill 753 on Second Reading

Senator Baker moved to suspend the regular order of business and take up H. B. No. 753 for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Martin
Baker	Moffett
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Nays—1

Moore

Present—Not Voting

Gonzalez

Absent

Fuller	Weinert
Hardeman	

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 753, A bill to be entitled "An Act amending Article 1170, Revised Civil Statutes of Texas, 1925, pertaining to submission to the qualified voters of a Home Rule City of amendments to an existing charter of such city; repealing Article 1171, Revised Civil Statutes of Texas; and declaring an emergency."

The bill was read the second time.

Senator Gonzalez offered the following amendment to the bill:

Amend H. B. 753 by adding the following:

Sec. 1A. This Act shall not apply to home rule cities of more than 495,000 inhabitants or less than 650,000 inhabitants.

The amendment was read.

Senator Baker moved to table the amendment.

The motion to table was lost by the following vote:

Yeas—10

Baker	Parkhouse
Creighton	Ratliff
Hardeman	Reagan
Krueger	Secrest
Moffett	Willis

Nays—15

Aikin	Martin
Calhoun	Moore
Crump	Owen
Dies	Patman
Gonzalez	Roberts
Herring	Rogers
Kazen	Schwartz
Lane	

Absent

Colson	Hudson
Fuller	Smith
Hazlewood	Weinert

Question recurring on the amendment it was adopted.

Senator Gonzalez offered the following amendment to the bill:

Amend H. B. 753 by adding:

Section 1-D. Severability Clause. If any provisions of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions or application of this Act.

The amendment was adopted.

On motion of Senator Baker and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 753 on Third Reading

Senator Baker moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 753 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Aikin	Moffett
Baker	Parkhouse
Calhoun	Patman
Creighton	Ratliff
Dies	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Martin	

Nays—4

Crump	Moore
Hardeman	Owen

Absent

Colson	Lane
Fuller	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bill 1036 on Second Reading

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1036, A bill to be entitled "An Act providing that it shall be unlawful to sell or offer for sale, any rat poison, insect poison, or any other preparation which contains thallium sulphate or any other thallium compound; declaring violation of this Act to be a misdemeanor punishable by a fine and prescribing a penalty for the violation thereof; and declaring an emergency."

The bill was read second time.

Senator Moore offered the following committee amendment to the bill:

Amend H. B. 1036 by adding to Section No. 1 of the printed bill an additional sub-section to be identified as Sub-section (e), which shall read as follows:

"(e) Persons, firms or corporations, who have registered their product with the United States Government under the provisions of the Federal Insecticide, Fungicide and Rodenticide Act, and are complying with the provisions of the Act of the Fifty-fifth Legislature, Regular Session 1957, Chap. 428, Page 1282, Codified in Vernon's Penal Statutes at Article 726-1.

The committee amendment was adopted.

On motion of Senator Schwartz and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 1036 on Third Reading

Senator Schwartz moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 1036 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Baker	Moore
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Fuller	Roberts
Gonzalez	Rogers
Hardeman	Schwartz
Hazlewood	Secrest
Hudson	Smith
Kazen	Willis
Krueger	

Nays—2

Herring	Martin
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Absent

Lane	Weinert
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bill 157 on Second Reading

On motion of Senator Kazen and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 157, A bill to be entitled "An Act to amend Chapter 471 (page 830) of the Acts, 52nd Legislature, Regular Session, 1951, as amended, compiled as Vernon's Civil Statutes, Art. 3731a, by amending Section 1, Section 2, inserting a new section 2a, and amending Sections 4 and 5 so as to provide for admissibility of a greater number of domestic and foreign records admissibility of foreign laws as evidence of the matters

contained therein, and for authentication of such records and foreign laws; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 157 on Third Reading

Senator Kazen moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 157 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Baker	Moore
Calhoun	Owen
Colson	Parkhouse
Crump	Patman
Dies	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Martin	

Absent

Creighton	Lane
Fuller	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 224 with House Amendments

Senator Reagan called S. B. No. 224 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Reagan moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Reagan, Hudson, Baker, Dies and Herring.

House Bill 1133 on Second Reading

On motion of Senator Patman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1133, A bill to be entitled "An Act prescribing the lawful period for hunting quail in Bee County, Texas; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 1133 on Third Reading

Senator Patman moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 1133 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	

Absent

Fuller Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bill 1136 on Second Reading

On motion of Senator Martin and by unanimous consent, the regular order of business was suspended to

take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1136, A bill to be entitled "An Act defining the date upon which the annual salary of a member of the Texas House of Representatives shall commence; and declaring an emergency."

The bill was read second time.

Senator Martin offered the following amendment to the bill:

Amend H. B. 1136 by placing another period at the end of Section One.

The amendment was adopted.

On motion of Senator Martin and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 1136 on Third Reading

Senator Martin moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 1136 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Moore
Baker	Owen
Calhoun	Parkhouse
Colson	Patman
Crump	Ratliff
Dies	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Martin	Willis
Moffett	

Nays—1

Hardeman

Present—Not Voting

Gonzalez

Absent

Creighton	Lane
Fuller	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the final passage of H. B. No. 1136.

House Concurrent Resolution 35 on Second Reading

On motion of Senator Roberts and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

H. C. R. No. 35, Granting permission to William Wendell Carroll to sue the State of Texas and the Teacher Retirement System of Texas.

The resolution was read and was adopted.

House Concurrent Resolution 67 on Second Reading

On motion of Senator Roberts and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

H. C. R. No. 67, Granting permission to Raymond Renfro et al. to sue the State of Texas.

The resolution was read and was adopted.

House Bill 398 on Second Reading

Senator Parkhouse asked unanimous consent to suspend the regular order of business and take up H. B. No. 398 for consideration at this time.

There was objection.

Senator Parkhouse then moved to suspend the regular order of business and take up H. B. No. 398 for consideration at this time.

The motion prevailed by the following vote:

Yeas—20

Aikin
Baker
Calhoun

Colson
Creighton
Crump

Dies
Gonzalez
Hazlewood
Herring
Hudson
Kazen
Moffett

Owen
Parkhouse
Patman
Ratliff
Reagan
Secrest
Willis

Nays—6

Hardeman
Krueger
Martin

Roberts
Rogers
Smith

Absent

Fuller
Lane
Moore

Schwartz
Weinert

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 398, A bill to be entitled "An Act amending Subsection 1(b) of Section 8, Chapter 42, General Laws, Second Called Session, Forty-first Legislature, 1929, as amended, to provide that motor vehicles engaged in transporting passengers for compensation or hire and any commercial vehicle in authorized use as a 'Highway Post Office' vehicle shall observe the same speed limits as those prescribed for all vehicles except commercial vehicles, trucks, tractors, trailers or semi-trailers; and declaring an emergency."

The bill was read the second time.

Senator Parkhouse moved the previous question on the passage of the bill to third reading but the motion was not seconded.

The bill was passed to third reading.

Record of Vote

Senator Krueger asked to be recorded as voting "Nay" on the passage of H. B. No. 398 to third reading.

House Bill 398 on Third Reading

Senator Parkhouse moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 398 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin

Baker

Calhoun	Lane
Colson	Moffett
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis

Nays—4

Krueger	Moore
Martin	Roberts

Absent

Fuller	Weinert
Schwartz	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Krueger and Martin asked to be recorded as voting "Nay" on the final passage of H. B. No. 398 to third reading.

House Concurrent Resolution 79 on Second Reading

On motion of Senator Secrest and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

H. C. R. No. 79, Granting W. S. Whitmire permission to sue the State of Texas and the Veterans Land Board.

The resolution was read and was adopted.

House Bill 464 on Second Reading

On motion of Senator Gonzalez and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 464, A bill to be entitled "An Act to amend Article 581-29 of the Revised Civil Statutes of the State of Texas, as amended in Acts 1957, 55th Leg., p. 575, chapter 269, No. 29 being a section of the Texas

Security Law setting the penalty, to increase the penalty for a violation of same; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 464 on Third Reading

Senator Gonzalez moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 464 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Willis

Absent

Fuller	Weinert
Schwartz	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Concurrent Resolution 132 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 132, Suspending Joint Rules to consider S. B. No. 370 at any time.

The resolution was read.

On motion of Senator Herring and by unanimous consent the resolution was considered immediately and was adopted.

Senate Joint Resolution 13 with House Amendments

Senator Krueger called S. J. R. No.

13 from the President's table for consideration of the House amendments to the resolution.

The President laid the resolution and House amendments before the Senate, and the House amendments were adopted.

Senator Krueger moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crumpp	Patman
Dies	Ratliff
Gonzalez	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Nays—1

Hardeman

Absent

Fuller Weinert

Conference Committee Report on
Senate Bill 249

Senator Willis submitted the following Conference Committee Report on S. B. No. 249:

Austin, Texas,
May 27, 1961.

Hon. Ben Ramsey, President of the Senate.

Hon. James A. Turman, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 249, have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

WILLIS

DIES

MOORE

LANE

HARDEMAN

On the part of the Senate.

BAILEY

BARLOW

COLE of Hunt

JOHNSON of Bexar

RICHARDSON

On the part of the House.

S. B. No. 249,

A BILL

To Be Entitled

An Act making unlawful the stealing of any dog; making such offense a felony and prescribing punishment therefor; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Whoever shall steal any dog shall, upon conviction thereof, be guilty of a felony and shall be confined in the penitentiary for not more than two (2) years or shall be fined not more than Five Hundred Dollars (\$500).

Sec. 2. The fact that the stealing of dogs in this State has become almost a business, with many valuable pets and working dogs stolen and sold each year, and even mongrel dogs, beloved pets of children, not being overlooked by the thieves, and the further fact that present laws governing penalties for theft of personal property require that such property have monetary value, thereby allowing many thieves of dogs to escape without penalty, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted.

House Bill 112 on Second Reading

The President laid before the Senate as pending business H. B. No. 112 as amended. (The bill having been read the second time this afternoon.

Question—Shall H. B. No. 112 be passed to third reading?

Senator Hardeman offered the following amendment to the bill:

Amend H. B. 112, Sec. 8 (d) by inserting the words "real estate" for

the word "property" therein wherever it appears.

The amendment was adopted.

Senator Hardeman offered the following amendment to the bill:

Amend H. B. 112, Sec. 9 as amended by striking the word "property" wherever it appears in said section and substitute in lieu the words "real estate."

The amendment was adopted.

Senator Owen offered the following amendment to the bill:

Amend H. B. 112 by adding a new subsection in Sec. 1 to read as follows: "(a) 'Unwed mother' means any female person who is with child conceived out of wedlock and who was not, at the time of conception and is not at the time of application for aid under the terms of this Act, married to any person," and renumber the succeeding sub-sections accordingly.

The amendment was read.

Senator Hudson moved to table the amendment, question on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—13

Calhoun	Lane
Creighton	Martin
Crump	Moore
Dies	Patman
Hudson	Roberts
Kazen	Smith
Krueger	

Nays—10

Aikin	Owen
Baker	Parkhouse
Hardeman	Ratliff
Herring	Rogers
Moffett	Secrest

Absent

Colson	Reagan
Fuller	Schwartz
Gonzalez	Weinert
Hazlewood	Willis

H. B. No. 112 as amended was passed to third reading.

Record of Vote

Senator Owen asked to be recorded

as voting "Nay" on the passage of H. B. No. 112 to third reading.

House Bill 1094 on Second Reading

On motion of Senator Crump and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1094, A bill to be entitled "An Act relating to the terms of office of school trustees in certain school districts; choosing terms by lots; providing for subsequent elections and filling of vacancies; providing that provisions of this act shall be cumulative; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 1094 on Third Reading

Senator Crump moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 1094 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Willis

Absent

Fuller	Weinert
Schwartz	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Concurrent Resolution 82

Senator Aikin offered the following resolution:

S. C. R. No. 82, Suspending Joint Rules to consider H. B. No. 9 and H. J. R. No. 30 at any time.

Be it Resolved by the Senate, the House of Representatives concurring, that Joint Rule No. 9 be suspended in order that the Senate may consider House Bill No. 9 and H. J. R. No. 30 at any time.

The resolution was read.

On motion of Senator Aikin and by unanimous consent the resolution was considered immediately and was adopted.

Welcome Resolutions

S. R. No. 541—By Senator Baker: Extending welcome to the young members of Park Memorial Baptist Church of Houston and sponsors.

S. R. No. 546—By Senator Creighton: Extending welcome to students, teachers and sponsors of Eula High School of Callahan County.

S. R. No. 547—By Senator Martin: Extending welcome to students of Red Oak High School and teachers.

S. R. No. 548—By Senator Gonzalez: Extending welcome to members of House of Neighborly Service of Bexar County.

S. R. 549—By Senator Moore: Extending welcome to students and teachers of Collidge School of Lime-stone County.

S. R. No. 550—By Senator Schwartz: Extending welcome to Mr. Leo Sun-sen.

S. R. No. 551—By Senator Secrest: Extending welcome to students and teachers of Rockdale High School.

Memorial Resolution

S. R. No. 543—By Senator Smith: Memorial resolution for Forrest Weimhold.

Adjournment

On motion of Senator Hardeman the Senate at 5:34 o'clock p.m. ad-journed until 10:30 o'clock a.m. on Monday, May 29, 1961.

Record of Vote

Senator Patman asked to be re-corded "Nay" on the motion to ad-journ.

SEVENTY-FIFTH DAY

(Monday, May 29, 1961)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the fol-lowing Senators were present:

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Rathiff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	

A quorum was announced present.

Reverend W. H. Townsend, Chap-lain, offered the invocation as follows:

"O God, our Father, as the curtain closes on this chapter of our steward-ship in these momentous days, now unto Thy holy keeping we commit ourselves and all that has been said and done in this place. May the Lord bless us and keep us; may the Lord make His face to shine upon us and give us peace in all our hearts and homes. For Christ's sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Saturday, May 27, 1961, was dis-pensed with and the Journal approved.

Senate Concurrent Resolution 83

Senator Martin offered the follow-ing resolution:

S. C. R. No. 83, Suspending Joint Rules to permit House to consider S. B. No. 401 at any time.

Be it Resolved, By the Senate of the State of Texas, with the House of Representatives concurring, that the joint rules be suspended in order that the House may take up and consider Senate Bill 401 at any time.

The resolution was read.